

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the remarks which follow.

In view of the withdrawal of claims 6-13 pursuant to 37 C.F.R. 1.142 (b), the claims which are presently pending are 1-3. Claims 4 and 5 have been cancelled. The amendments to claims 1-3 are fully supported in the as-filed specification.

In view of the cancellation of claims 4 and 5, their rejection under §112, second paragraph, is rendered moot.

Claims 1-5 stand rejected under the first paragraph of §112 as being in non-compliance with the enablement requirement. The Examiner contends that the claims are not enabling for the use of any composition comprising any euglobulin. This rejection is respectfully traversed.

As pointed out by the Examiner, euglobulin is a fraction of the serum globulin and is also known as the fraction comprising gamma globulin in the art. Euglobulin is known as a type of non-specific immunostimulator which is usually used for treating or preventing unexplained feverish symptoms in domestic animals, such as cows, pigs, or dogs, which result from certain bacterial or viral infections which are known in the field of veterinary medicine. In addition, euglobulin from pigs is commercially available for the treatment of cows and dogs, as well as pigs. Therefore, in the present invention, euglobulin which is available from any animal is intended, and is not limited to a specific animal. (In treating canine distemper, euglobulin obtained from dogs is preferred.) One of ordinary skill in the art would recognize that any euglobulin can achieve an equivalent effect of treating canine distemper disease in accordance with the present invention.

It is respectfully submitted that one of ordinary skill in the veterinary arts would immediately know and understand from the as-filed specification, particularly, the examples thereof, that euglobulin obtained from any animal would satisfy the enablement requirement of §112, first paragraph. Accordingly, since the rejection is deemed to have been overcome, its withdrawal is respectfully solicited.

Claims 4 and 5 stand rejected under §112, first paragraph, as failing to comply with the written description requirement. Since claims 4 and 5 have been cancelled, this rejection is rendered moot.

The Examiner has rejected claim 5 under §112, first paragraph, as failing to comply with the enablement requirement. This rejection is rendered moot in view of the cancellation of claim 5.

The effectiveness of the composition of the present invention is evident by reference to Examples 6 and 7, which demonstrate that the method of the present invention, employing the composition of the present invention, was successful in treating animals exhibiting the onset of the various neurological signs which are common to the neurological disorders disclosed in the specification. Accordingly, the rejection under §112, first paragraph, for non-enablement has been overcome and should be withdrawn.

Claim 5 is rejected under §112, first paragraph, as failing to comply with the written description requirement. Since claim 5 has been cancelled, this rejection has been rendered moot.

Claims 1, 3, 4 and 5 stand rejected under §102(b) as being anticipated by Lott et al., U.S. 5,688,644. The same claims stand rejected under §102(b) over Bergeron et al., U.S. 2003/0049636. The same claims also stand rejected under §102(e) as being

anticipated by Picard et al., U.S. 2004/0076990. Each of these three rejections is respectfully traversed.

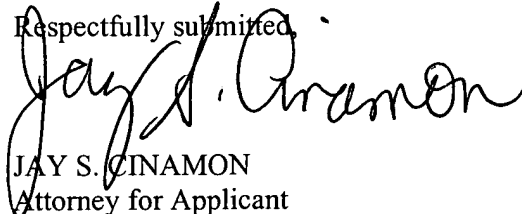
The claimed invention recites a composition comprising a disrupted cell suspension of *Monilia albicans* and euglobulin to ***treat canine distemper disease***. By contrast, each of the references cited by the Examiner provide DNA-based diagnostic methods for detecting microbial infections which involve collecting a blood sample from the subject, treating the sample with a composition to lysis microbial cells and extract nucleic acids from them, and amplifying or hybridizing the nucleic acids with a probe which is specific for a pathogen, such as *Candidia* DNA. The blood samples containing a certain microorganism are disrupted in order to obtain its nucleic acids and to ultimately determine the type of microbe which is causing the infection.

None of the references applied by the Examiner disclose, suggest, or even intimate a composition to treat canine distemper disease by using a disrupted cell suspension of *Monilia albicans*. Since none of these references can be said to teach applicants' claimed invention, it is respectfully submitted that the claimed invention distinguishes over each of these references. Accordingly, each of the §102 rejections, namely, §102(b), §102(b) and §102(e), have been overcome for the failure to establish a *prima facie* case of anticipation. Accordingly, each of the rejections should be withdrawn.

It is respectfully submitted that claims 1-3 are in condition for allowance, and a Notice to that effect is respectfully solicited.

Please charge any fees which may be due, and which have not been submitted
herewith, to our Deposit Account No. 01-0035.

Respectfully submitted,

A handwritten signature in black ink, reading "Jay S. Cinamon". The signature is fluid and cursive, with the first name "Jay" and last name "Cinamon" clearly legible.

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